

## **05-11 - Anti-Harassment Policy & Anti-Sexual Harassment Policy**

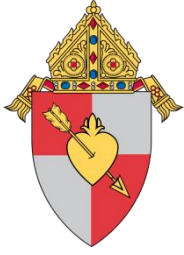
**Encl: *Anti-Harassment Policy & Anti-Sexual Harassment Policy***

**Introduction and Applicability.** The enclosure provides the *Anti-Harassment Policy & Anti-Sexual Harassment Policy* for the Diocese of St. Augustine. This policy supersedes all previous policies.

This policy applies to all applicants and employees whether related to conduct engaged in by fellow employees, supervisors, managers, clergy, religious or someone not directly connected to the Diocese (for example, an outside vendor, consultant, volunteer, donor, parishioner, visitor, or recipient of services).

These policies are to be used at all diocesan affiliates in the Diocese of St. Augustine and should be distributed to and read by all priests, deacons, religious, and lay employees whether part-time or full-time. Each person should sign an acknowledgement, in the form of the attached Diocese of St. Augustine Receipt for Anti-Harassment/Anti-Sexual Harassment Policy at the end of this policy, acknowledging receipt and review of the policies. The form should be maintained in the employee's personnel file at the corresponding diocesan affiliate.

**Approved by Bishop Felipe J. Estévez on 4th of March 2018.**



# **Diocese of St. Augustine Anti-Harassment Policy & Anti-Sexual Harassment Policy January 31, 2018**

This Anti-Harassment/Anti-Sexual Harassment Policy supersedes all previous policies.

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These policies are to be used at all diocesan affiliates in the Diocese of St. Augustine and should be distributed to and read by all priests, deacons, religious, and lay employees whether part-time or full-time. Each person should sign an acknowledgement, in the form of the attached Diocese of St. Augustine Receipt for Anti-Harassment/Anti-Sexual Harassment Policy at the end of this policy, acknowledging receipt and review of the policies. The form should be maintained in the employee's personnel file at the corresponding diocesan affiliate.

## **Anti-Harassment Policy**

The Diocese of St. Augustine is committed to providing a professional work environment that is free of harassment. Consistent with our Equal Employment Opportunity Policy, the diocese will not tolerate discrimination or harassment on the basis of a person's protected status, such as race, color, religion, national origin, sex, disability, genetic information, age, or any other protected basis protected by federal, state, or local laws. Harassment is offensive to the individual; it is offensive to the values of the Gospel and the Church's teachings on the dignity of the human person. The purpose of this policy is to promote and ensure a Christian professional and supportive work environment for all employees. **Maintaining an environment free from harassment is every employee's responsibility.** The Diocese and its affiliates prohibit unwelcome, harassing, or discriminatory conduct by administrators, employees, managers, supervisors, interns, or non-employees with whom the diocese and/or affiliates have a business, service, or professional relationship, or other persons with whom employees come into contact.

Title VII of the 1964 Civil Rights Act prohibits harassment and discrimination in the workplace. There will be no retaliation against any employee who, in good faith, files such a complaint, or participates in a workplace investigation. As a preventative measure, the Diocese will investigate all complaints of harassment, discrimination, or retaliation and take disciplinary action as required to remedy the situation.

## **Definition**

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, sex, disability, genetic information, age, or any other protected basis protected by federal, state, or local laws; or that his/her purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or

otherwise adversely affects an individual's employment opportunities. These examples are provided to illustrate the kind of conduct proscribed by this policy; the list is not exhaustive: Racial and ethnic slurs or jokes, using racist slang, phrases, nicknames, racist drawings, pictures, making derogatory age-related comments, and making offensive reference to an individual's mental or physical disability.

NOTE: Unintentional Harassment: Conduct that is intended to be "innocent" may still be harassment if the conduct falls within the terms of this policy.

### **Anti-Sexual Harassment Policy**

In keeping with our belief in the inherent dignity of each and every individual person, it is the goal of the Diocese of St. Augustine to provide a work environment where all persons are treated with respect. Consistent with this goal, it is the policy of the Diocese of St. Augustine to promote a workplace that is free from sexual harassment. Sexual harassment, as well as harassment on the basis of race, color, religion, age, or national origin, or other protected categories, is a form of prohibited discrimination. Specifically, harassment of employees on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Sexual harassment is included among the prohibitions.

### **Definition**

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sexual or sex-based nature where (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. It is also unlawful to retaliate or take reprisal in any way against anyone who has expressed any concern about harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual.

Examples of conduct that would be considered sexual harassment or related are set forth in the Statement of Prohibited Conduct, which follows. These examples are provided to illustrate the kind of conduct proscribed by this policy; the list is not exhaustive.

Sexual harassment occurring in the workplace or in any setting in which staff members may find themselves in connection with their employment or assignment is unlawful, demeaning to the individual, and will not be tolerated. Accordingly, the diocese is committed to enforcing its Anti-Sexual Harassment Policy at all levels within the organization.

**Statement of Prohibited Conduct:** The Diocese and its affiliates considers the following conduct to represent some of the types of acts, which violate the Anti-Sexual Harassment Policy:

- A. Physical Assaults of a Sexual Nature, such as:
  - (1) rape, sexual battery, molestation, or attempts to commit these assaults; and

- (2) intentional physical conduct, which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against the body of another, or poking one's body.

B. Unwelcome Conduct of a Sexual Nature, such as:

- (1) repeated or extreme sexual advances, propositions or comments;
- (2) sexual epithets and foul or obscene comments or language;
- (3) sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;
- (4) Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity in exchange for hire, compensation, promotion, job related benefits or any other benefit or reward;
- (5) threats of or actual discipline, discharge, demotion, reduction in pay or benefits or other adverse action or reprisal for seeking to end a sexual or romantic relationship or because an employee has declined sexual advances or refused to submit to or participate in sexual conduct or behavior; and
- (6) subjecting, or threats of subjecting, someone to unwelcome sexual attention or conduct or intentionally making performance of the person's job more difficult because of that person's sex.

C. Sexual or Discriminatory Displays or Publications Anywhere in the Workplace such as:

- (1) displaying pictures, posters, calendars, graffiti, objects, promotional materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display, or view at work.

A picture will be presumed to be sexually suggestive if it depicts a person of either sex which is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the workplace and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body;

- (2) reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; and
- (3) displaying signs or other material purporting to segregate an employee by sex in any area of the workplace (other than restrooms and semi-private locker/changing rooms)
- (4) “sexting”. Sexting is the sending or receiving of sexually-explicit or sexually-suggestive images or video via a cell phone or social media outlets. Most commonly, the term has been used to describe incidents where people distribute inappropriate, and most frequently illegal, images via cell phones, social networking sites, e-mails, instant message programs and chat rooms. This policy prohibits employees from initiating sexting to other employees, volunteers, clergy, other religious, or minors. Furthermore, the mere presence of such transmissions on an employee’s electronic media devices or accounts, if said content includes minors, could be a felony, in addition to a violation of the *Safe Environment Policies/ Diocese of St. Augustine Standards of Ethical Conduct for Lay Employees and Volunteers*.

D. Retaliation for Harassment Complaints:

It is also unlawful to retaliate or take reprisal in any way against anyone who has expressed any concern about harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Examples of this would include: disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and intentionally pressuring, falsely denying, lying about, or otherwise covering up conduct such as that described in any item above. These and other acts of retaliation may result in disciplinary action, including termination.

E. Other Acts:

- (1) The above is not to be construed as an all-inclusive list of prohibited acts under this policy.
- (2) Harassment is unlawful and hurts others. Any of the prohibited conduct described here constitutes harassment of anyone at whom it is directed, anyone who observes it, and anyone who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim’s sex suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business or ministerial purpose; accordingly, the employee who engages in such conduct

should be and will be made to bear the full responsibility for such unlawful conduct.

NOTE: Unintentional Harassment: Conduct that is intended to be “innocent” may still be harassment if the conduct falls within the terms of this policy. In addition, sexual harassment can occur between persons of the opposite sex, persons of the same sex, and regardless of the sexual orientation of the perpetrator or the victim.

### **Penalties of Misconduct**

Potential remedies or sanctions may include but are not limited to: verbal or written warning, a signed contract describing commitment to future behavior, training, counseling, probation, leave of absence with or without pay, suspension with or without pay, termination of employment, temporary or permanent transfer to a different position, reassignment of work, or alteration of the work environment.

### **Reporting and Complaint Procedures for Harassment**

- (1) The Diocese strongly encourages individuals who believe they are being discriminated against or harassed to promptly notify the offender that his or her behavior is unwelcome. **Notifying the offender, however, is not a required first step.**
- (2) If, for any reason, an individual does not wish to confront the offender directly, such a confrontation does not successfully end the harassment or discrimination, or if the offender retaliates against the individual, the individual should promptly report the offending conduct to ANY of the following: the Pastor, the School Principal, a Diocesan Human Resource Professional at the Catholic Center Offices (904) 262-3200, or the Chancellor at the same telephone number. **It is the responsibility of any Pastor or School Principal who has received a complaint related to harassment, to report this to a member of the Diocesan Human Resource Department.**
- (3) Timeliness in Reporting Harassment - The Diocese encourages prompt reporting of complaints or concerns so that rapid and constructive action can be taken. While no fixed reporting period has been established, early reporting and intervention has proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment. Accordingly, it is recommended employees attempt to report any suspected harassment within three (3) calendar days of the suspected offense, if practical.

### **Investigations**

All reported allegations of discrimination or harassment will be investigated promptly, thoroughly and impartially. As stated earlier, it is the responsibility of any Pastor or School Principal who has received a complaint related to harassment, to report this to a member of the Diocesan Human Resource Department. Here are the steps in the investigation:

- (1) Once the Diocesan Human Resource Department receives a complaint directly or by a pastor or principal, an appropriate investigation will be conducted.

- (2) The Chancellor will assign two diocesan investigative officers for harassment issues. In some cases, an outside investigator may be assigned.
- (3) The investigation may include individual interviews with the complaining employee, the alleged offender and, where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge. The complaint and investigation will be handled with sensitivity and, to the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. A record of the complaint and the findings will become a part of the complaint investigation record and the file will be maintained separately from the employee's personnel file.
- (4) If the conclusion is that there was no harassment, the complaining party will be given an opportunity to provide additional information. If the outcome is inconclusive, all parties will be informed and the alleged harasser will be counseled about the prohibition of harassment. If harassment is found, the appropriate action to take will depend on the severity.

Please note: In cases involving clerics, the investigation will be handled through the penal process as outlined in Canon Law.

### **Cooperation**

An effective anti-harassment policy requires the support and example of diocesan personnel in positions of authority. Diocesan management or employees who engage in harassment or retaliation or who fail to cooperate with investigations of harassment or retaliation may be suspended or terminated. Also, officials who refuse to implement a solution to the problem, obstruct the remedial efforts of other diocesan employees, and/or retaliate against harassment complainants or witnesses may be immediately suspended or terminated.

### **Retaliation for Harassment Complaints**

It is unlawful to retaliate or take reprisal in any way against anyone who has expressed any concern about harassment or discrimination, whether that concern relates to harassment or or discrimination against the individual raising the concern or against another individual. Examples of this would be: disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and intentionally pressuring, falsely denying, lying about, or otherwise covering up conduct such as that described in any item above, and may be met with disciplinary action, including termination.

### **False and Malicious Accusations**

False and malicious complaints of discrimination or harassment, as opposed to complaints which, even if not substantiated, were made in good faith, may also be the subject of appropriate disciplinary action.

**Enforcement**

The Diocese, its affiliates and their respective administrators intend to enforce the policy set forth and expect all employees, clerics, and religious to comply. Failure to comply with any provisions of the Harassment Policy will be grounds for discipline, up to and including termination or removal from position.

The Diocese of St. Augustine reserve the right to make changes to this policy at any time and at its sole discretion, and interpret and administer the policy in light of changing circumstances and events.

This diocesan policy supersedes any previous Anti-Harassment/Anti-Sexual Harassment Policy.

  
Approved by Bishop Felipe J. Estévez \_\_\_\_\_

March 4, 2018  
Date





**Diocese of St. Augustine  
Acknowledgement of Receipt  
For Anti-Harassment/Anti-Sexual Harassment Policy (1-30-2018)**

Your signature below acknowledges that you have received a copy of the diocesan Anti-Harassment/Anti-Sexual Harassment Policy and the complaint procedures outlined within the policy and that you have read and understand the policy.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's printed name

**This form should be retained in the employee's personnel file at the corresponding diocesan affiliate.**

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